

**ORDINANCE NO.**

**AN ORDINANCE AMENDING CITY CODE CHAPTER 15-9 AS IT RELATES TO MEDICALLY VULNERABLE CUSTOMER PROTECTIONS AND THE UTILITY SERVICES DISCONNECTION MORATORIUM DURING EXTREME WEATHER CONDITIONS.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** City Code Section 15-9-23 is deleted in its entirety and a new Section 15-9-23 is added to read:

**§ 15-9-23 MEDICALLY VULNERABLE RESIDENTS**

(A) The City shall maintain a list of residential service addresses that have a Medically Vulnerable resident. A Medically Vulnerable resident has a documented condition as defined below:

- (1) LIFE SUPPORT means the resident is sustained by a life support system that has been registered with and approved by the City and that requires uninterrupted electric or water service. The resident's need for the system must be certified by a licensed physician as essential to sustain the life of the resident, and include but are not limited to devices such as an iron lung, ventilator, feeding pump, kidney dialysis machine, aerosol tent, apnea monitor, blood pump, compressor/concentrator, electric nerve stimulator, extremity pump, hospital bed, hemodialysis machine, oxygen concentrator, pressure pump, pressure pad, and respirator;
- (2) CRITICAL ILLNESS means the resident is being treated by a licensed physician for paraplegia, hemiplegia, quadriplegia, multiple sclerosis or scleroderma, and such medical condition requires heating or air conditioning; and,
- (3) SERIOUS ILLNESS means the resident is being treated by a licensed physician for a disease or ailment of long duration or frequent recurrence where bodily function or organs would be seriously impaired without heating or air conditioning.

1 (B) For a service address to be listed as having a Medically Vulnerable  
2 resident, the Medically Vulnerable resident must complete, sign, and  
3 provide to the City, and the City must approve, an application including  
4 the following:

- 5
- 6 (1) a signed certification by a licensed physician of the qualifying  
7 medical condition, including but not limited to the length of time  
8 the condition is expected to exist;
  - 9 (2) authorization by the Medically Vulnerable resident for the City to  
10 verify the physician's certification and other information in the  
11 application;
  - 12 (3) authorization for on-site verifications at the service address by  
13 City personnel at reasonable times or during emergencies;
  - 14 (4) designation of a contact person (including name, address, and  
15 phone number) authorized to receive communications or other  
16 utility related information from the City on behalf of the  
17 Medically Vulnerable resident; and
  - 18 (5) such other information the City may deem necessary to approve  
19 the application.
- 20

21 (C) Life Support and Critical Illness residents must reapply under  
22 Subsection (B) of this section on an annual basis to maintain Medically  
23 Vulnerable Status, while Serious Illness Patients must reapply after  
24 every two months. Failure to reapply shall result in removal from the  
25 Medically Vulnerable list.

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27 (D) If at the time of application the utility account for the service address or  
28 for the Medically Vulnerable resident has a balance past-due, the  
29 customer must enter into a deferred payment agreement under Section  
30 15-9-144 in order for the residence to be placed on the Medically  
31 Vulnerable list.

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33 (E) Regardless of the City's awareness of a Medically Vulnerable resident's  
34 condition or presence at a service address, the limitation of liability and  
35 release set forth in Section 15-9-7 applies to a Medically Vulnerable  
36 resident.

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38 **PART 2.** City Code §15-9-109 is amended to read:

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40 (A) The City [~~may~~] shall place an extreme weather moratorium on  
41 disconnecting residential utility service for nonpayment if the National  
42 Weather Service reports a temperature or temperature forecast that:

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2 (1) the average temperature is 32 degrees Fahrenheit or below  
3 or the average daily temperature is predicted to be 32  
4 degrees Fahrenheit or below for more than 24 consecutive  
5 hours during the winter; or  
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7 (2) states the actual heat index for the then current day and the  
8 forecasted heat index for the following day is or will be 102  
9 degrees Fahrenheit or above, in which case the moratorium  
10 shall be put into effect the day following the current day.  
11 ~~[the temperature is at or above 100 degrees Fahrenheit for~~  
12 ~~five consecutive days and the temperature is forecast to~~  
13 ~~reach or exceed 100 degrees Fahrenheit for the next five~~  
14 ~~days.]~~  
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16 (B) If the City places an extreme weather condition moratorium, it is not  
17 required to restore previously disconnected utility service unless the  
18 customer complies with this chapter.  
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20 **PART 3.** City Code Section 15-9-110 is deleted in its entirety and a new Section 15-9-  
21 110 is added to read:  
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23 **§15-9-110 RESTRICTIONS FOR MEDICALLY VULNERABLE**  
24 **RESIDENTS**  
25

26 (A) After notice is provided under Section 15-9-106 (*Notice of Service*  
27 *Disconnection*) and within the 10 days before the City disconnects  
28 utility service at a residential service address where a Medically  
29 Vulnerable resident is listed as Life Support or Critical Illness, the City  
30 shall make not fewer than two additional attempts to notify the  
31 customer named on the account, the Medically Vulnerable resident, or  
32 the Medically Vulnerable resident's designated contact that service may  
33 be disconnected. Notice under this section may be delivered by mail,  
34 hand delivery, door hanger, electronic transmission, telephone, or pre-  
35 recorded phone message.  
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37 (B) After the notices have been provided as required in Subsection (A) of  
38 this section, the City may disconnect utility services at the residential  
39 service address.  
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41 **PART 4.** This ordinance takes effect on \_\_\_\_\_.  
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**PASSED AND APPROVED**

\_\_\_\_\_, 2010

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\_\_\_\_\_  
Lee Leffingwell  
Mayor

**APPROVED:** \_\_\_\_\_  
David Allan Smith  
City Attorney

**ATTEST:** \_\_\_\_\_  
Shirley A. Gentry  
City Clerk

DRAFT